

BEFORE THE BOARD OF SUPERVISORS

of the

SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. ____

RESOLUTION TO REQUEST THE TRANSFER OF GENERAL TAX REVENUE COLLECTED AND ALLOCATED TO THE NACIMIENTO WATER FUND TO THE SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT GENERAL FUND

The following Resolution is hereby offered and read:

WHEREAS, the San Luis Obispo County Flood Control and Water Conservation District (District) was established by the San Luis Obispo County Flood Control and Water Conservation District Act (Act 7205 of the Uncodified Acts of the California Water Code) (Act) in 1945; and

WHEREAS, on or about October 19, 1959, the District entered into an agreement with the Monterey County Flood Control and Water Conservation District (now the Monterey County Water Resources Agency) (Monterey) whereby Monterey granted the District the right to 17,500 AFY from the Nacimiento Reservoir in exchange for certain payments (Master Water Contract); and

WHEREAS, pursuant to Section 13 of the Act and prior to the enactment of Proposition 13 (1978), the District levied a County-wide *ad valorem* tax to pay for the Master Water Contract costs; and

WHEREAS, said tax is apportioned to and collected in the Nacimiento Water Fund; and

WHEREAS, Proposition 13 established a maximum one percent (1%) *ad valorem* County tax rate which is classified as a general tax; and

WHEREAS, consequently and pursuant to Assembly Bill 8 (1979) (AB 8), the District no longer collected the *ad valorem* tax, and the County Auditor instead began allocating the revenue generated from the one percent (1%) general tax pursuant to the allocation system set forth in AB 8; and

WHEREAS, AB 8 provides a share of the total property taxes collected within a community to each local government that provided services within that community at the time Proposition 13 was passed, with each local government's share based on its proportionate countywide share of property taxes during the mid-1970's; and

WHEREAS, the District paid the Master Water Contract costs from the *ad valorem* tax proceeds that were allocated to the Nacimimientto Water Fund until the Nacimientto Water Project was complete in February of 2011, at which time the participating agencies became obligated to pay for the costs pursuant to the Nacimientto Project Water Delivery Entitlement Contracts (WDECs); and

WHEREAS, Article 17, subdivision (B)(5) of the WDECs requires, however, that the District apply said apportioned *ad valorem* tax proceeds received by the Nacimientto Water Fund to offset the Reserve Capacity Construction Cost Component of the Nacimientto Water Project; and

WHEREAS, on April 19, 2016, the District approved amendments to the existing WDECs and two (2) new WDECs, resulting in full subscription of the Nacimientto Water Project; and

WHEREAS, consequently, there is no longer any Reserve Capacity Construction Cost Component or contractual obligation on the part of the District for *ad valorem* tax revenue to be apportioned to the Nacimientto Water Fund.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District, State of California, that:

1. The recitals set forth hereinabove are true, correct and valid.
2. The general tax collected and allocated to the Nacimientto Water Fund (Fund 2200000000) is no longer contractually obligated, and the Board of Supervisors hereby requests that the San Luis Obispo County Auditor-Controller direct, allocate and distribute the current and all future revenues into the San Luis Obispo County Flood Control and Water Conservation District General Fund (Fund 1300000000) effective July 1, 2016.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: June 3, 2016

STATE OF CALIFORNIA, }
County of San Luis Obispo, } ss.

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 20 _____.

County Clerk and Ex-Officio Clerk of the Board of Supervisors

(SEAL)

By: _____
Deputy Clerk